

SENATE JOURNAL

Forty-fifth Legislature—Regular Session

FIRST DAY.

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Forty-fifth Legislature met in its Chamber at the City of Austin on the twelfth day of January, 1937.

The Honorable Walter F. Woodul, Lieutenant Governor of Texas and President of the Senate, called the Senate to order at 12 o'clock, meridian.

Rev. Beverly Allen, of Austin, at the invitation of the President, offered the invocation.

Temporary Officers.

The President announced the appointment of the following temporary officers:

Secretary of the Senate, Bob Barker.

Sergeant-at-Arms, A. W. Holt.

Doorkeeper, Joel Gunn.

Journal Clerk, Noel K. Brown.

Roll Call of Senators.

The President directed the Secretary to call the roll of Senators who were Members of the Forty-fourth Legislature and whose terms of office continue for the duration of the Forty-fifth Legislature.

The roll was called, and the following Senators answered to their names:

Hon. Joe Hill, representing the Second Senatorial District, composed of Gregg, Harrison, Panola, Rusk and Shelby Counties.

Hon. Allan Shivers, representing the Fourth Senatorial District, composed of Hardin, Jefferson, Liberty and Orange Counties.

Hon. Clay Cotten, representing the Sixth Senatorial District composed of Anderson, Freestone, Henderson, Kaufman and Navarro Counties.

Hon. Olan R. Van Zandt, representing the Ninth Senatorial District, composed of Cooke, Fannin and Grayson Counties.

Hon. Claude Isbell, representing the Tenth Senatorial District, composed of Collin, Hunt, Rains and Rockwall Counties.

Hon. Claud C. Westerfeld, representing the Eleventh Senatorial District, composed of Dallas County.

Hon. L. J. Sulak, representing the Fifteenth Senatorial District, composed of Austin, Colorado, Fayette, Lavaca and Waller Counties.

Hon. Weaver Moore, representing the Sixteenth Senatorial District, composed of Harris County.

Hon. T. J. Holbrook, representing the Seventeenth Senatorial District, composed of Brazoria, Chambers, Fort Bend, Galveston, Matagorda and Wharton Counties.

Hon. R. A. Weinert, representing the Nineteenth Senatorial District, composed of Blanco, Caldwell, Comal, Gonzales, Guadalupe and Hays Counties.

Hon. H. Grady Woodruff, representing the Twenty-second Senatorial District, composed of Denton, Jack, Montague, Palo Pinto, Parker and Wise Counties.

Hon. Ben G. Oneal, representing the Twenty-third Senatorial District, composed of Archer, Baylor, Clay, Foard, Hardeman, Knox, Wichita, Wilbarger and Young Counties.

Hon. E. M. Davis, representing the Twenty-fifth Senatorial District, composed of Brown, Coke, Coleman, Comanche, Concho, Gillespie, Irion, Kimble, Mason, McCulloch, Menard, Mills, Runnels, Schleicher, Sterling and Tom Green Counties.

Hon. Jim Neal, representing the Twenty-seventh Senatorial District, composed of Brooks, Cameron, Dimmit, Duval, Oneal, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg,

La Salle, McMullen, Nueces, Starr, Webb, Willacy, Zapata, and Zavalla Counties.

Hon. Frank Rawlings, representing the Twenty-eighth Senatorial District, composed of Tarrant County.

Oath of Office Administered to Senators-Elect.

The President directed the Secretary to call the roll of Senators-elect, whose certificates of election had been received from the Secretary of State.

The roll was called and the following Senators-elect answered to their names, and, at the President's request, appeared before the bar of the Senate, en masse, and took the constitutional oath of office, which was administered to them by the President:

Hon. E. Harold Beck, representing the First Senatorial District, composed of Bowie, Cass, Marion, Titus and Morris Counties.

Hon. John S. Redditt, representing the Third Senatorial District, composed of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler Counties.

Hon. Gordon M. Burns, representing the Fifth Senatorial District, composed of Grimes, Montgomery, Trinity, Leon, Houston, Polk, Madison, Walker and San Jacinto Counties.

Hon. Will D. Pace, representing the Seventh Senatorial District, composed of Camp, Wood, Upshur, Smith and Van Zandt Counties.

Hon. A. M. Aikin, Jr., representing the Eighth Senatorial District, composed of Lamar, Delta, Franklin, Hopkins and Red River Counties.

Hon. Vernon Lemens, representing the Twelfth Senatorial District, composed of Johnson, Hill, Ellis, Hood and Somervell Counties.

Hon. W. R. Newton, representing the Thirteenth Senatorial District, composed of McLennan, Falls, Limestone and Milam Counties.

Hon. Morris Roberts, representing the Eighteenth Senatorial District, composed of Wilson, Atascosa, Karnes, DeWitt, Victoria, Goliad, Live Oak, San Patricio, Bee, Refugio, Aransas, Calhoun and Jackson Counties.

Hon. Houghton Brownlee, representing the Twentieth Senatorial District, composed of San Saba, Lampas-

as, Llano, Burnet, Williamson and Travis Counties.

Hon. J. Manley Head, representing the Twenty-first Senatorial District, composed of Bell, Erath, Bosque, Hamilton and Coryell Counties.

Hon. Wilbourne B. Collie, representing the Twenty-fourth Senatorial District, composed of Scurry, Fisher, Jones, Shackelford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Throckmorton and Haskell Counties.

Hon. J. Franklin Spears, representing the Twenty-sixth Senatorial District, composed of Bexar, Kerr, Kendall and Bandera Counties.

Hon. H. L. Winfield, representing the Twenty-ninth Senatorial District, composed of El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ward, Ector, Midland, Glasscock, Reagan, Upton, Crane, Crockett, Sutton, Edwards, Real, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Pecos, Uvalde, Medina and Maverick Counties.

Hon. G. H. Nelson, representing the Thirtieth Senatorial District, composed of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Andrews, Martin and Howard Counties.

The President announced a quorum present.

Leaves of Absence Granted.

The following Senator-elect was absent and was excused on account of important business on motion of Senator Rawlings:

Hon. Clint C. Small, of the Thirty-first Senatorial District, composed of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall and Childress Counties.

The following Senator-elect was absent and was excused on account of illness on motion of Senator Sulak:

Hon. Albert Stone, of the Fourteenth Senatorial District, composed of Bastrop, Lee, Burleson, Washington, Brazos and Robertson Counties.

Senate Resolution No. 1.

Senator Redditt submitted the following report:

Senate Chamber,
Austin, Texas, Jan. 12, 1937.
Hon. Walter F. Woodul, President
of the Senate, Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 29 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing Regular Session of the Forty-fifth Legislature and at salaries set opposite their names:

Secretary of the Senate, Bob Barker, \$10.00 per day.

Sergeant-at-Arms, A. W. Holt, \$7.50 per day.

Doorkeeper, Joel Gunn, \$5.00 per day.

Assistant Doorkeeper, Ed H. Wilson, \$5.00 per day.

Chaplain, Father Theodore Drees, \$5.00 per day.

Journal Clerk, Noel K. Brown, \$7.50 per day.

Assistant Journal Clerk, Mary M. Keeble, \$5.00 per day.

Calendar Clerk, Martha Turner, \$7.50 per day.

Assistant Calendar Clerk, Frank Conley, \$5.00 per day.

Engrossing and Enrolling Clerk, Essie McGinnis, \$7.50 per day.

Assistant Engrossing and Enrolling Clerk, Florence Butts, \$7.50 per day.

Mailing Clerk, Ann Polglass, \$5.00 per day.

Postmaster, Lola Lawrence, \$5.00 per day.

Librarian, Theodosia Bell, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate be permitted to name one secretary, and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman, such employee to receive \$5.00 per day, except the private secretary of the Lieutenant Governor shall receive \$7.50 per day.

It is recommended that the Chairman of the Caucus appoint a committee of five who shall be authorized to select such other employees

as in their judgment will be necessary.

It is further recommended that all the expenses due and unpaid by authority of Senate Resolutions Nos. 23 and 30, be paid out of the per diem and contingent expense fund of the Senate of the Regular Session of the Forty-fifth Legislature.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary, that the names of such employees be referred to a committee of five Senators appointed by the chairman of the caucus, said committee to be authorized to select from said employees all employees in the engrossing and enrolling room and other departments of the Senate to assign said employment, said employees so named by the Senators, the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$5.00 per day.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$4.00 per day each, and the salaries of the porters shall be \$2.50 per day each, except the head porter whose salary shall be \$4.00 per day and the porter carrying the mail shall receive \$3.50 per day, and the salaries of the pages shall be \$2.50 per day and the salaries of the messengers shall be \$3.00 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any Assistant Sergeant-at-Arms or any other employees for any and all services needed in and about the Senate.

It is further recommended that no

employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, some Senator, Secretary of the Senate, or committee, shall report for duty at 8 o'clock a. m. and one o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 2600 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the Members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, the contract to be approved by the committee of five.

It is further recommended that the Secretary of the Senate be paid for his services rendered in advance of and in preparation for the convening of this, the Regular Session of the Forty-fifth Legislature; and that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased to draw compensation from his other employment; and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services, the per diem allowed each of the employees mentioned in this section to be the same as herein fixed.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the pay-roll account signed by the presiding officer and the Secretary of the Senate.

The Chairman of the Caucus named the following members of the Senate as the committee of five, as hereinabove mentioned:

Senator Redditt, chairman;
Senator Hill, vice-chairman;
Senators Small, Cotten, Collie.

The committee of five hereinabove named shall have authority to employ P.B.X. operators at a per diem not to exceed \$5.00 per day.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate, and Librarian be permitted to subscribe for three newspapers to be paid for out of the contingent fund.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, and porters as in his judgment may be necessary.

It is further recommended that in the appointment of pages and messengers, that those appointed at the beginning of the session shall serve for a term of two months and those appointed thereafter shall serve for the remainder of the session.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ any needed additional employees of his own selection, who shall receive compensation in accordance with the compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to the Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the committee of five Senators aforesaid the names of the

employees selected, together with their post-office addresses and any suggestions as to the special qualifications of the several employees.

It is further recommended that no person be employed by the Senate or under its direction, except private secretaries, who may be related within the second degree by affinity or within the third degree by consanguinity to any member of the Legislature or to any other person employed by or holding office under either the State of Texas, or the United States of America or political subdivision of this State, or by any public supported institution.

It is further recommended by the caucus that Reverend W. H. Doss be elected Chaplain Emeritus without compensation.

Be it further resolved that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate, to come on the floor for some official duty. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

HOLBROOK, Chairman.

On motion of Senator Rawlings, a full reading of the report was omitted and it was adopted as a resolution of the Senate.

Oaths of Office Administered.

The officers-elect of the Senate for the Regular Session of the Forty-fifth Legislature then took the constitutional oath of office, which was administered to them by the President.

Senate Resolution No. 2.

Senator Hill offered the following resolution:

Resolved, that the Rules of the Senate of the Forty-fourth Legislature be adopted as the temporary rules of the Senate.

The resolution was read and was adopted.

Senator Hill moved to reconsider the vote by which the resolution was adopted.

The motion to reconsider prevailed.

Question—Shall the resolution be adopted?

Senator Hill asked unanimous consent to amend the resolution by adding after the word "Legislature" the following:

"Except those rules which would require a four-fifths vote for their adoption."

There was no objection offered, and the amendment was adopted.

The resolution as amended was then adopted.

Senate Concurrent Resolution No. 1.

Senator Woodruff offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the House and Senate of the Forty-fourth Legislature be, and they are hereby, made the temporary joint rules of the House and Senate of the Forty-fifth Legislature.

The resolution was read.

On motion of Senator Woodruff, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering the resolution at this time.

The resolution was adopted.

Election of President Pro Tempore.

The President announced that the next business in order is the election of the President Pro Tempore.

Hon. John S. Redditt nominated Hon. Will D. Pace as President Pro Tempore of the Senate.

Hon. Clay Cotten nominated Hon. Olan R. Van Zandt as President Pro Tempore.

Hon. Wilbourne B. Collie seconded the nomination of Hon. Will D. Pace.

There being no further nominations, the President appointed Senators Woodruff, Alkin and Roberts to take up and count the ballots.

The vote resulted as follows:

Hon. Will D. Pace received 16 votes.

Hon. Olan R. Van Zandt received nine votes.

Hon. Olan R. Van Zandt moved that the vote for Hon. Will D. Pace be made unanimous.

The motion prevailed, and Hon. Will D. Pace was declared unanimously elected President Pro Tempore of the Senate.

The President then appointed Senators Van Zandt, Cotten and

Burns to escort Hon. Will D. Pace to the President's stand.

Senator Pace took the constitutional oath of office, which was administered to him by the President.

President Pro Tempore Pace then addressed the Senate, thanking the members for the honor conferred upon him.

Standing Committees.

The President announced the following designations of memberships in the several standing committees of the Senate:

Civil Jurisprudence: Small, Chairman; Moore, Vice-Chairman; Collie, Davis, Hill, Nelson, Oneal, Rawlings, Redditt, Shivers, Van Zandt, Westerfeld, Aikin, Brownlee, Spears, Weinert.

Criminal Jurisprudence: Stone, Chairman, Davis, Vice-Chairman; Collie, Cotten, Moore, Rawlings, Small, Woodruff, Brownlee, Hill, Isbell, Lemens, Spears, Weinert.

Constitutional Amendments: Moore, Chairman; Spears, Vice-Chairman; Holbrook, Oneal, Rawlings, Hill, Nelson, Van Zandt, Brownlee, Weinert, Winfield.

Educational Affairs: Cotten, Chairman; Nelson, Vice-Chairman; Collie, Oneal, Pace, Small, Woodruff, Aikin, Burns, Newton, Van Zandt, Weinert, Winfield.

Internal Improvements: Lemens, Chairman; Isbell, Vice-Chairman; Burns, Shivers, Beck.

Finance: Redditt, Chairman; Woodruff, Vice-Chairman; Holbrook, Hill, Isbell, Neal, Nelson, Rawlings, Small, Stone, Sulak, Van Zandt, Aikin, Beck, Burns, Brownlee, Head, Lemens, Newton, Roberts, Weinert, Winfield.

Public Lands and Land Office: Woodruff, Chairman; Winfield, Vice-Chairman; Small, Nelson, Isbell, Holbrook, Collie.

State Penitentiaries: Burns, Chairman; Holbrook, Vice-Chairman; Isbell, Moore, Nelson, Rawlings, Stone, Sulak, Roberts, Weinert.

Public Health: Holbrook, Chairman; Newton, Vice-Chairman; Isbell, Oneal, Redditt, Woodruff, Beck, Brownlee, Lemens, Roberts.

Military Affairs: Lemens, Chairman; Newton, Vice-Chairman; Beck, Davis, Pace, Woodruff.

State Affairs: Pace, Chairman; Rawlings, Vice-Chairman; Collie, Cotten, Davis, Holbrook, Hill, Isbell, Moore, Oneal, Redditt, Shivers, Small, Stone, Sulak, Van Zandt, Brownlee, Spears, Weinert, Winfield.

Commerce and Manufactures: Roberts, Chairman; Beck, Vice-Chairman; Holbrook, Hill, Newton, Sulak, Westerfeld.

State Highways and Motor Traffic: Rawlings, Chairman; Small, Vice-Chairman; Collie, Davis, Nelson, Oneal, Pace, Redditt, Sulak, Westerfeld, Aikin, Beck, Brownlee, Head, Spears, Winfield, Burns, Roberts.

Public Debts, Claims and Accounts: Head, Chairman; Shivers, Vice-Chairman; Burns, Davis, Hill.

Contingent Expenses: Woodruff, Chairman; Beck, Vice-Chairman; Cotten, Lemens, Neal, Shivers.

Federal Relations: Westerfeld, Chairman; Roberts, Vice-Chairman; Davis, Hill, Burns.

Counties and County Boundaries: Spears, Chairman; Neal, Vice-Chairman; Cotten, Davis, Pace, Lemens.

Public Printing: Sulak, Chairman; Stone, Vice-Chairman; Redditt, Holbrook, Spears.

Judicial Districts: Nelson, Chairman; Cotten, Vice-Chairman; Collie, Van Zandt, Beck, Isbell.

Stock and Stock Raising: Neal, Chairman; Roberts, Vice-Chairman; Oneal, Rawlings, Stone, Brownlee, Newton.

Agricultural Affairs: Davis, Chairman; Neal, Vice-Chairman; Small, Stone, Sulak, Isbell, Woodruff, Van Zandt, Winfield, Weinert, Aikin, Head, Lemens.

State Institutions and Departments: Brownlee, Chairman; Lemens, Vice-Chairman; Davis, Neal, Oneal, Pace, Redditt, Beck, Roberts.

Privileges and Elections: Beck, Chairman; Aikin, Vice-Chairman; Isbell, Neal, Shivers, Van Zandt.

Public Buildings and Grounds: Newton, Chairman; Weinert, Vice-Chairman; Westerfeld, Van Zandt, Burns, Beck, Winfield.

Rules: Rawlings, Chairman; Sulak, Vice-Chairman; Redditt, Small, Aikin, Brownlee, Newton, Weinert.

Engrossed Bills: Roberts, Chairman; Head, Vice-Chairman; Aikin, Spears.

Enrolled Bills: Westerfeld, Chairman; Newton, Vice-Chairman; Burns, Cotten.

Insurance: Collie, Chairman; Brownlee, Vice-Chairman; Holbrook, Cotten, Moore, Neal, Shivers, Van Zandt, Westerfeld, Woodruff, Head, Isbell, Lemens, Newton.

Towns and City Corporations: Head, Chairman; Van Zandt, Vice-Chairman; Cotten, Lemens, Stone, Westerfeld.

Mining, Irrigation and Drainage: Hill, Chairman; Winfield, Vice-Chairman; Burns, Holbrook, Neal, Stone, Van Zandt, Brownlee, Head, Weinert, Aikin.

Labor: Shivers, Chairman; Spears, Vice-Chairman; Oneal, Rawlings, Small, Sulak, Woodruff, Westerfeld, Cotten, Davis, Head, Newton, Roberts, Beck.

Nominations of the Governor: Oneal, Chairman; Redditt, Vice-Chairman; Woodruff, Burns, Moore, Nelson, Pace, Aikin, Beck, Head, Lemens, Roberts.

Banking: Isbell, Chairman; Collie, Vice-Chairman; Holbrook, Moore, Westerfeld, Woodruff, Aikin, Brownlee, Head, Weinert, Winfield.

Congressional Districts: Aikin, Chairman; Burns, Vice-Chairman; Holbrook, Hill, Neal, Shivers, Westerfeld.

Senatorial Districts: Sulak, Chairman; Hill, Vice-Chairman, Cotten, Head, Nelson, Oneal, Pace.

Representative Districts: Van Zandt, Chairman; Pace, Vice-Chairman; Moore, Neal, Nelson, Rawlings, Spears, Westerfeld, Winfield.

Game and Fish: Weinert, Chairman; Holbrook, Vice-Chairman; Moore, Pace, Redditt, Shivers, Sulak, Roberts.

Interstate Cooperation: Oneal, Chairman; Lemens, Vice-Chairman; Holbrook, Westerfeld, Cotten.

Committee to Notify Governor.

Senator Woodruff moved that a committee be appointed by the President to notify the Governor that the Senate is now organized and ready to transact business.

The motion prevailed.

Accordingly, the President appointed Senators Neal, Oneal and Shivers as a committee to notify the Governor.

Committee to Notify the House.

Senator Woodruff moved that a committee be appointed by the Presi-

dent to notify the House that the Senate is now organized and ready to transact business.

The motion prevailed.

Accordingly, the President appointed Senators Spears, Lemens and Head as a committee to notify the House.

At Ease.

On motion of Senator Weinert, the Senate stood at ease at 1:30 o'clock p. m., subject to the call of the President.

The President called the Senate to order at 1:35 o'clock p. m.

House and Governor Notified.

The committees to notify the House and the Governor, respectively, that the Senate is organized and ready for the transaction of business appeared at the bar of the Senate and reported that they had performed the duties assigned them.

Communication.

The President directed the Secretary to read a communication signed by the Presidents of the Council of State Governments; American Legislators Association; National Association of Attorneys General; and National Association of Secretaries of State.

The communication was read and was referred by the President to the Committee on Interstate Cooperation.

Address by Senator Holbrook.

On motion of Senator Lemens, the address of Senator T. J. Holbrook at the unveiling of the monument erected to the memory of Richard Ellis at Waxahachie, was ordered printed in the Journal.

The full text of the address is shown in the appendix of today's Senate Journal.

Bills and Joint Resolutions on First Reading.

The following Senate bills and joint resolutions were introduced, read severally first time, and referred by the President to appropriate standing committees, as follows:

By Senator Burns:

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925 as

amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency and establishing rules and regulations to govern each action; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, prescribing their duties, providing for their offices, fixing their places of meeting and empowering them to employ a secretary and other assistants; creating the office of parole supervisor, fixing the salary, prescribing the duties and qualifications, and providing for the appointment thereto; empowering the Governor to appoint Voluntary County Parole Commissions, and citing their duties; providing for the appointment of an executive secretary to the Voluntary County Parole Commissions in and for each Senatorial district in the State of Texas, fixing the salary and prescribing the duties of each executive secretary; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term and providing that the general manager of the Texas Prison System, in so far as his record will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; defining the duties of each district judge pronouncing sentence upon a prisoner; determining how prisoners serving sentence in the penitentiary shall become eligible for parole, and the manner and conditions of release; requiring an investigation into the case of each parolee suspected of violating the terms of his parole and requiring a hearing in each prisoner's case when he shall be

so charged, and providing for the revocation of same; providing the method of computing a prisoner's time served; requiring all parolees to comply with the terms of their release; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in effect and force, and declaring an emergency."

Referred to Committee on State Penitentiaries.

By Senator Burns:

S. B. No. 2, A bill to be entitled "An Act making an emergency appropriation to the Sam Houston State Teachers College of the sum of Fifty-four Hundred (\$5400.00) Dollars out of any funds in the State Treasury not otherwise appropriated, to pay for water, lights, heat, and teacher's salary, and declaring an emergency."

Referred to Committee on Finance.

By Senators Burns, Pace, Brownlee, Weinert, Hill, Roberts, Redditt, Moore, Head, Van Zandt, Spears, Rawlings, Nelson and Newton:

S. B. No. 3, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of H. B. No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges and declaring an emergency."

Referred to Committee on Finance.

By Senator Davis:

S. B. No. 4, A bill to be entitled "An Act reciting the existing conditions of the farm, grazing, and different lands of the State of Texas; determining the consequences of soil erosion and depletion of the fertility of the soil; reciting appropriate corrective methods; declaring the policy of the Legislature; defining certain words and phrases used in the Act; creating the State Soil Conservation Board; providing the method of selection of the officers of said Board; providing for the employment of an executive officer and other agents and employees as may be required; providing for a treasurer of said

Board who shall be under bond; providing for the qualifications, duties, and compensation of such employees as are required by said Board; fixing the location of the office of the State Soil Conservation Board; providing the powers and duties of the State Soil Conservation Board; providing an appropriation for the use of said State Soil Conservation Board; creating County Soil Conservation Districts; designating who shall serve as officers of the respective County Soil Conservation Districts; providing for a treasurer of each County Soil Conservation District and fixing the bond therefor; prescribing the powers and duties of the County Soil Conservation Districts and, among other powers, permitting the issuance of bonds by said County Soil Conservation Districts and prescribing the procedure therefor; repealing H. B. No. Thirteen (13), Forty-second Legislature, Regular Session; repealing Senate Bill No. Two Hundred Twenty-Seven (227), Forty-fourth Legislature, Regular Session; providing that if any portion of the act be held unconstitutional the remaining portion shall not thereby be affected; providing that in the event any provision of this Act be in conflict with the provision of any law already existing that this Act shall be controlling; and declaring an emergency."

Referred to Committee on Agricultural Affairs.

By Senators Davis and Winfield:

S. B. No. 5, A bill to be entitled "An Act to amend Article 1442, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of sheep or goat from four years to ten years; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senators Davis and Winfield:

S. B. No. 6, A bill to be entitled "An Act to amend Article 1441, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of cattle or hog from four years to ten years; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Holbrook:

S. B. No. 7, A bill to be entitled "An Act to provide for the repeal of that Section of Article 5420 of the Revised Civil Statutes of the State of Texas, 1925, giving the State the right to file land suits in Travis County instead of the county where the land is situated, to repeal such portion of such Section, to require that suits already filed but not tried to be transferred or moved to the proper court in the county where the land is situated, to provide that such suits must hereafter be brought in the county where the land involved or any part thereof may lie, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 8, A bill to be entitled "An Act amending Acts 1933, Forty-third Legislature, page 595, Chapter 195 by adding thereto an article known as Article 2326D providing for the compensation of court reporters in certain Judicial Districts, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 9, A bill to be entitled "An Act to amend Article 4913 of Chapter 10 of Title 78 Revised Civil Statutes of Texas, 1925, by adding provision that all policies of Workmen's Compensation Insurance shall contain endorsement as to the method of determining dividends and assessments, if any, prohibiting more than one plan of operation by any one company or association, prohibiting discrimination between policyholders, and providing for invalidity of agreements made contrary to the terms hereof and that violation of the terms hereof shall be cause for revocation of license to write Workmen's Compensation Insurance, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Holbrook:

S. B. No. 10, A bill to be entitled "An Act amending Section 3, of S. B. No. 247, Chapter 158, page No. 400. Acts of the Regular Ses-

sion of the Forty-third Legislature, 1933, as amended by H. B. No. 502, Chapter 121, page 328, Acts of the Regular Session of the Forty-fourth Legislature, empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children; and to cooperate with the Department of Education in providing equipment for and instruction of same and providing for medical and surgical services by physicians and dentists approved by the State Board of Health and the minimum fees to be paid for such services; authorizing such Division to organize and supervise diagnostic clinics and to approve and select physicians, and dentists in certain cases; fixing qualifications thereof; authorizing such Division to select and designate hospitals approved by the Board of Control for the care of crippled children and do such other things necessary to accomplish purposes of this Act; providing the Board of Education may provide transportation, appliances, braces and other materials necessary in proper handling of crippled children; directing such Division to provide rules and regulations to be approved by the Department of Education for charges for hospital, medical, surgical, nursing and all other services contemplated in carrying out purposes of this Act; and limiting such charges, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Holbrook:

S. B. No. 11, A bill to be entitled "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of 10 years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Rawlings:

S. B. No. 12, A bill to be entitled "An Act creating the Motor Transportation Division of the Railroad Commission; providing for the appointment of the members and a chairman thereof; fixing the term of office; prescribing their duties; fixing compensation for such members and making such payable out of general revenue and appropriations; providing for their removal; defining certain terms as used herein; providing for review and appeal from the decisions of the Division and/or Commission, giving said Division Commissioners' authority to promulgate rules and regulations; authorizing Division Commissioners to sit with the Interstate Commerce Commission; providing for sessions to be held at Austin, Texas, or elsewhere in an emergency; providing a quorum of such Division; providing for the authentication of the official acts of the Division; providing for the adoption of a seal; providing that said Division shall keep a full, accurate and complete record of all the proceedings had before them; providing for the filling of vacancies; providing for the appointment of employees and their compensation; providing for the use of written interrogatories and oral depositions; providing rules of evidence and notice for the use of such written interrogatories and oral depositions; providing a style of commissions for written interrogatories and oral depositions; providing for the cumulation of Articles 3740-3743, 3746-3752, 3756-3769, inclusive, 3769b, 3769c, R. C. S., Texas, 1935, and certain other articles; providing for the intervention or protest of a party at interest; adopting rules of evidence, and providing for a change of such upon notice; providing for a savings clause; making appropriation, etc.; and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Rawlings:

S. B. No. 13, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in pro-

moting threefold religious, educational and physical development of boys and girls, young men and young women operating under a state or national organization of life character, and all endowment funds of such institutions, and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Winfield, Davis and Neal:

S. B. No. 14, A bill to be entitled "An Act to regulate the transportation by motor vehicle for compensation or hire of cattle, sheep, goats, hogs or domestic fowls upon any public highway, public street, thoroughfare, or any land of which the driver of the motor vehicle is not the owner, lessee, renter, or tenant; providing for the application of a permit by the driver of such motor vehicle, and issuance thereof by the sheriff of the county in which the transportation originates; further providing for the payment of a fee to the sheriff for such permit to be paid into the general fund of such county; further providing for the search of such motor vehicle and detention of the driver thereof for failure or refusal to exhibit such permit to any person or peace officer; prescribing penalties for violation; repealing Section 1 of Chapter 19 of Acts 1929, Forty-first Legislature, Second Called Session; and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senators Winfield, Davis and Neal:

S. B. No. 15, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the moneys collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the commissioners' court of such county adopting the

provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Collie:

S. B. No. 16, A bill to be entitled "An Act authorizing and directing the Governor to enter into a compact on behalf of the State of Texas with any of the United States legally joining therein; with reference to probationers or parolees convicted in one state residing in another state agreeing to the compact; etc.; and declaring an emergency."

Referred to Committee on Interstate Cooperation.

By Senator Collie:

S. B. No. 17, A bill to be entitled "An Act making it lawful for any member of a duly organized state, county or municipal peace unit of the United States who enters into and continues within this State in close pursuit of a person in order to arrest him on ground that he has committed a felony in such other state to have the same authority to arrest and hold in custody such person, as similar authorities of this State have under the same circumstances; etc.; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 18, A bill to be entitled "An Act declaring it to be the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other high crime, who is found in this State; etc.; providing the title of this Act shall be the Uniform Criminal Extradition Act, establishing effective date of Act."

Referred to Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 19, A bill to be entitled "An Act providing for the summoning of witnesses in this State to testify in another state; defining certain terms and words; declaring the manner in which judge of out-of-state

court may make certificate to judge of court in this State for the procurement of witness; etc.; providing the effective date of the Act."

Referred to Committee on Criminal Jurisprudence.

By Senator Oneal:

S. B. No. 20, A bill to be entitled "An Act providing that no person shall inherit or take any property either under the laws of descent and distribution or under a will or testament, who as the principal or as an accomplice wilfully brings about the death of the owner of such property, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Brownlee:

S. B. No. 21, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of 1925 so as to make the same applicable to counties having three or more district courts; and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Oneal:

S. J. R. No. 1, Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas, such amendment making no change in said Section 1 of Article 8 of the Constitution, other than providing that taxation of real property shall be equal and uniform; etc.; and providing that taxation of property in any class shall be equal and uniform.

Referred to Committee on Constitutional Amendments.

By Senator Oneal:

S. J. R. No. 2, Proposing an amendment to Section 9, Article 8, of the Constitution of the State of Texas, reducing the State tax on property that may be levied by the Legislature for any one year, etc.

Referred to Committee on Constitutional Amendments.

By Senator Oneal:

S. J. R. No. 3, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a new section to be known as Section 9-a, relating to levy of a tax by counties for purposes of charity, etc.

Referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 2.

Senator Brownlee offered the following resolution:

Be it Resolved by the Senate of Texas, and the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count the votes in the recent election for Governor and Lieutenant Governor and to make all necessary arrangements for their inauguration.

The resolution was read.

On motion of Senator Brownlee, the rule requiring resolutions to be referred to a committee was suspended for the purpose of considering the resolution at this time.

The resolution was then adopted.

In accordance with the above resolution, the President appointed the following committee on the part of the Senate:

Senators Brownlee, Beck, Cotten, Moore and Oneal.

Senate Resolution No. 3.

Senator Holbrook offered the following resolution:

Be it Resolved by the Senate of the State of Texas, That the general rules of the Senate, Numbers 1 to 101, inclusive, of the Forty-fourth Legislature, as shown on pages 229 to 284, inclusive, of the Texas Legislative Manual, 1935, with the following amendments and additions be adopted as the permanent rules of the Texas Senate for the Forty-fifth Legislature:

Rule 96-a is amended to read as follows:

"96-a. A bulletin board shall be prepared and placed in the hallway immediately to the rear of the Senate Chamber, upon which shall be posted the time for meetings of standing committees. Immediately after the time and place of any committee hearing has been fixed, this information shall be given to the Secretary of the Senate who shall cause the same to be posted forthwith on said bulletin board."

Rule 98 is amended to read as follows:

"98. Hearings on bills before any committee shall be open to the public and reasonable opportunity shall

be afforded to interested parties to appear before the committee. The committee by a majority vote shall have the right to fix the order of appearance and the time to be allotted to any such interested party. Any member of the Senate, by making timely written request therefor upon the chairman of the committee (or vice-chairman in the absence of the chairman), shall be entitled to receive at least forty-eight hours advance notice in writing of the time and place of the hearing on any bill or bills specified in the demand, but the time and place of hearing on any bill having been fixed in response to said request, the chairman shall not be required to change or delay said hearing upon subsequent requests from other members of the Senate. After the receipt of such notice by the chairman of the committee (or vice-chairman in the absence of the chairman), no hearing shall be held by the committee or action taken on such bill or bills unless such notice has been previously given as required herein."

Amend Senate rules by adding thereto Rule 98-a, to read as follows:

"98-a. After public hearing has been concluded on any bill, the committee by a majority vote may direct without debate that action by the committee on such bill be taken in executive session, provided, however, that a record of such proceedings had in such executive session shall be kept and that the same shall be open for public inspection."

Rule 99 is amended to read as follows:

"99. A two-thirds majority of the membership of any committee shall constitute a quorum, and no action shall be taken upon any bill or resolution in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the chairman (or vice-chairman in the absence of the chairman) may furnish the Sergeant-at-Arms with the names of the absentees, and it shall be the duty of the Sergeant-at-Arms to promptly notify said absentees of the time and place of said meeting."

Amend Senate rules by adding thereto Rule 99-a, to read as follows:

"99-a. The chairman of the committee (or vice-chairman in the ab-

sence of the chairman) shall file with the Senate a written report showing the action of such committee on bills and resolutions pending before it. Such reports shall be signed officially by the chairman (or vice-chairman in the absence of the chairman)."

Amend Senate rules by adding thereto Rule 99-b, to read as follows:

"99-b. If a motion to report a bill or resolution favorably does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote, the same shall be dead. When a bill or resolution has been killed by the committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee present at the time the bill is killed and who voted on the minority side; this report must be in writing and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee. Unless one of the members signing the minority report makes a motion in the Senate to have the same substituted for the majority report within ten calendar days from the time said minority was filed with the Senate, said bill or resolution shall be dead and shall not be again considered during the session. It shall take the affirmative vote of two-thirds of the members of the Senate to substitute a minority report for the majority report. If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the Senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the Senate, shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the Senate to confirm the substitution made by the committee."

Rule 15 is amended to read as follows:

"15. No member shall speak more than once in any one debate, until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate. If a point of order is raised that the member occupying the floor is using dilatory tactics by indulging in remarks that are not germane to the subject under consideration, and the President of the Senate sustains the point of order, the member so speaking shall be immediately called to order and be required to take his seat."

Rule 100 is hereby repealed.

Rule 37 is amended to read as follows:

"37. All resolutions, except courtesy and Senate simple resolutions shall, upon their introduction, be referred to an appropriate committee and shall not be acted upon at the time of introduction unless by a two-thirds vote of the members present the Senate shall so direct."

The resolution was read and was referred by the President to the Committee on Rules.

Senate Resolution No. 4.

Senator Holbrook offered the following resolution:

Be it Resolved, by the Senate of the State of Texas, That the general rules of the Senate, Numbers 102 to 107, inclusive, as shown on pages 284 to 286, inclusive, of the Texas Legislative Manual, 1935, be adopted as permanent rules of the Texas Senate for the Forty-fifth Legislature:

Amend Rule 102 to read as follows:

"102. It shall be in order to introduce bills or resolutions during the first thirty calendar days of the session, and to have the same referred to a proper committee."

Rule 103 is amended to read as follows:

"103. After the first thirty calendar days of the regular session, no bills or resolutions shall be introduced except local bills as hereinafter defined, emergency appropriations, and emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative vote of four-fifths of the membership of the Sen-

ate; appointees of the Governor (whether recess appointments or otherwise) may be acted upon at any time during the session."

Rule 106 is amended to read as follows:

"106. Bills and resolutions, other than local bills (as defined in Rule 104), emergency matters submitted by the Governor in special messages to the Legislature, acting upon appointments of the Governor, (whether recess appointments or otherwise), shall not be taken up, considered, or acted upon by the Senate during the first sixty calendar days of the session, except by an affirmative vote of four-fifths of the membership."

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have the Manual recodified, indexed, and printed in sufficient numbers to furnish the Officers and Members of the Senate and press representatives copies thereof, said Manual to contain the Senate Rules as herein amended, the Rules of the House of Representatives, the Texas Constitution, the Joint Rules of both Houses, a roster of the membership and officers of both Houses, and the standing committees of both Houses, and to pay the cost thereof out of the contingent expense fund.

Be it further Resolved, That the Secretary of the Senate is hereby authorized to have printed immediately the new rules of the Senate in a temporary form for the use of the members pending the printing of the official Manual and to pay the cost thereof out of the contingent fund.

The resolution was read and was referred by the President to the Committee on Rules.

Adjournment.

On motion of Senator Cotten, the Senate, at 2 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Communication.

Washington, D. C., Jan. 11, 1937.
Hon. Bob Barker, Secretary of the Senate, Austin, Texas:

If you have been fortunate enough

to be re-elected over formidable opposition wish you would express my best wishes to the Senate wishing everyone a pleasant and successful session and regretting I can not be present.

Your friend,
W. R. POAGE.

Certificates of Election.

[Printed in the Journal by order of the President of the Senate.]

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the First Senatorial District, composed of the following counties: Bowie, Cass, Marion, Titus and Morris, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, E. Harold Beck having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, First District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Third Senatorial District, composed of the following counties: Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, John S. Redditt having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Third District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the

City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Fifth Senatorial District, composed of the following counties: Grimes, Montgomery, Trinity, Leon, Houston, Polk, Madison, Walker and San Jacinto, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Gordon Burns having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Fifth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Seventh Senatorial District, composed of the following counties: Camp, Wood, Upshur, Smith and Van Zandt, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Will D. Pace having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Seventh District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the , Eighth Senatorial District, composed of the following counties: Lamar, Delta, Franklin, Hopkins and Red River, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, A. M. Aikin, Jr., having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Eighth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal) JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twelfth Senatorial District, composed of the following counties: Johnson, Hill, Ellis, Hood, Somervell, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Vernon Lemens having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twelfth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal) JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Thirteenth Senatorial District, composed of the following counties: McLennan, Falls, Limestone and Milam, on the first Tuesday after the first Monday in

November, A. D. 1936, being the 3rd day of said month, W. R. Newton having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Thirteenth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal) JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Fourteenth Senatorial District, composed of the following counties: Bastrop, Lee, Burleson, Washington, Brazos and Robertson, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Albert Stone having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Fourteenth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal) JAMES V. ALLRED,
Governor.

By the Governor:
B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twentieth Senatorial District, composed of the following counties: San Saba, Lampasas, Llano, Burnet, Williamson and Travis, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Houghton Brownlee having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twentieth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twenty-first Senatorial District, composed of the following counties: Bell, Erath, Bosque, Hamilton and Coryell, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, J. Manley Head having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twenty-first District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twenty-fourth Senatorial District, composed of the following counties: Scurry, Fisher, Jones, Shackelford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Throckmorton and Haskell, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Wilbourne B. Collie having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twenty-fourth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the

City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Eighteenth Senatorial District, composed of the following counties: Wilson, Atascosa, Karnes, DeWitt, Victoria, Goliad, Live Oak, San Patricio, Bee, Refugio, Aransas, Calhoun and Jackson, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Morris Roberts having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Eighteenth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twenty-sixth Senatorial District, composed of the following counties: Bexar, Kerr, Kendall and Bandera, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, J. Franklin Spears having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twenty-sixth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Twenty-ninth Senatorial District, composed of the following counties: El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ward, Ector, Midland, Glasscock, Reagan, Upton, Crane, Crockett, Sutton, Edwards, Real, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Pecos, Uvalde, Medina and Maverick, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, H. L. Winfield having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Twenty-ninth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Thirtieth Senatorial District, composed of the following counties: Bailey, Lamb, Hale Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Andrews, Martin and Howard, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, G. H. Nelson having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Thirtieth District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

This is to certify, that at a General Election held in the State of Texas for a member of the State Senate, representing the Thirty-first Senatorial District, composed of the following counties: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall and Childress, on the first Tuesday after the first Monday in November, A. D. 1936, being the 3rd day of said month, Clint C. Small having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as State Senator, Thirty-first District, for the State of Texas.

In testimony whereof, I have hereunto subscribed my name and caused the Seal of State to be affixed at the City of Austin, on this the 20th day of November, A. D. 1936.

(Seal)

JAMES V. ALLRED,
Governor.

By the Governor:

B. P. MATOCHA,
Secretary of State.

Address of Senator Holbrook.

The following address was delivered by Senator T. J. Holbrook of Galveston, Texas, at unveiling of the monument erected by the State to the memory of Richard Ellis at Waxahachie, Texas, on November 12, 1936:

Mr. Master of Ceremonies, Ladies and Gentlemen:

Mindful of a debt of gratitude which our generation owes to one of the great pioneers of Texas, and remembering the incomparable affection which his associates had for him, we are met today to dedicate this monument to the memory of Judge Richard Ellis, after whom this County was named, and who, through his valiant services, performed an indispensable part in establishing the young Republic.

In fulfilling this pleasant task, we are in part paying an obligation nearly a century overdue and are bringing to mind something of the indomitable spirit of those immortals who in their day were the

map-makers of destiny, and whose works might well be ranked with those of Solon and Alfred and other great founders of State.

In order to get a clear conception of what character of man he was, and what moved him in his efforts to free Texas from the despotic rule of a tyrant, it is necessary to take in consideration his youth, as well as the conditions, the time, and the place which made for the setting of his childhood, and his young manhood. He was born in old Virginia on February 14, 1781, just five years after the Declaration of Independence was written in Philadelphia, and six years before the constitution of the Federal Union was adopted. He spent his youth under the direction of private tutors, and finished his classical education at William and Mary College. During this time, it was his privilege on occasions, to walk and talk with Washington, Jefferson, Madison and Monroe, that great quartet of American Presidents whose names and whose fame will enrich the pages of history as long as free governments endure.

Time, place, and circumstances considered, it is little wonder that one of his mould should drink deeply the draughts from which freedom springs. It was in these surroundings, a little while before Judge Ellis was born, that Patrick Henry with supreme eloquence fired the hearts of patriots with the admonition that liberty is the most priceless heritage which one generation of men can bequeath to another. Here it was that Thomas Jefferson, during the childhood of the subject of this address, snatched the Bill of Rights from the constitution of the Old Dominion, and securely welded them to that of the Federal Union. Here it was that John Randolph of Roanoke plead so fervently for perpetuation of the civil and religious liberties imbedded in these ancient charts.

Amid such scenes and surroundings our hero lived until he was 32 years of age, whence he moved to Franklin County, Alabama, where he soon became a leader at the bar. In 1819 he was elected as a delegate to the first constitutional convention of that State, and aided materially in framing it. In 1820 he was elected Presiding Judge of the

Fourth Circuit of Alabama, and served in that capacity until 1823, when he removed to Texas, and settled in Bowie County. From that date forward until his death on December 2, 1846, his life was eventful in the formation of the young Republic and the State. He acquired a large plantation near the present town of New Boston, where he spent his life in noble pursuits.

In addition to being a well-to-do settler, he spent his time and his means without stint in an effort to set up and establish an orderly government among the savages and discontents of a wild and uncharted territory. In this, like Austin and others who labored with him, he did not intend to break down the existing order; but rather to improve it. It was theirs to make secure the rights which were guaranteed to them under the Mexican constitution of 1824. In 1827 he was sent by the governing powers of Mexico to quell the rebellion taking place in Edward's Colony at Nacogdoches, a report of which was made to Stephen F. Austin, the Empresario, on January 22, 1827.

When all efforts had failed to bring about peace, and the tocsin of war had sounded, we find Judge Ellis with other patriots on March 2, 1836, gathered at Washington on the Brazos, considering ways and means of enforcing these solemn compacts. There he helped George Childress write the Declaration of Independence, and was one of the signatories to it. This done, the delegates deemed it necessary to write a constitution for the Republic in the making. Judge Ellis was chosen President of the Constitutional convention, and is accredited with writing it, and promulgating it to the world on March 17, 1836. This document is said to be one of the finest models of constitutional government ever conceived, not excepting that of the federal government after which it was patterned. His treatise on religious freedom has no counterpart in history. In concluding his indictment of the Mexican government on this score, he said, "It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion calculated

to promote the temporal interests of its human functionaries, rather than the glory of the true and living God."

Concerning education of the masses, he observed, "It has failed to establish any system of public education, although possessed of almost boundless natural resources, and although it is an axiom in political science that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government." Thus it will be seen, that while President Lamar is given credit for being the founder of our present free school system, Judge Ellis made the first advance before independence had actually been won. It may be said, without doubt, that in learning and statesmanship, he had few peers and no superiors among the long list of distinguished heroes who made this Centennial year possible in Texas.

It is a coincidence that he and General Sam Houston both sprang from that rugged race of Virginians who wrought mightily to make America great. They were born near the same spot, close to the same time, and no doubt cherished similar ambitions. Ellis was a little older than Houston, and came to Texas some ten years earlier. In their childhood, each of them could look to the east across the Blue Ridge range of mountains, and catch something of the spirit of their forefathers, who freed America from British rule. They could in fancy see Daniel Boone, crossing this great divide, and setting up in his adopted State of Kentucky the first western advance by the Thirteen Colonies, which culminated on the shores of the Pacific ocean. Years before Houston had obtained prominence in Tennessee, Judge Ellis, from his home in Alabama, had looked to the west across the Mississippi, and had viewed a vast stretch of natural resources here in Texas, which to his imagination called for his second and last advance. In the fullness of time this last advance was made, and the hero who wrote the constitution at Washington on the Brazos came to finally force a union of States which form an unbroken chain between the

two oceans; and which secured for himself and the generations who come after him a victory no less renowned than that which made deathless the story of Washington and his soldiers at Yorktown.

No more engaging theme in American history can be found than that which depicts the efforts and accomplishments of Judge Ellis and those men who struggled with him in freeing Texas from the throes of a merciless tyrant and in making secure the basis of a second Republic on the continent of North America. During the long years of this involved period, in which lives were lost and privation suffered, these men were seeking freedom and not territorial triumph; but in the end they gained both. It was given them to set a new flag waving over a domain greater than the Persia which wrecked the brain of Alexander, richer than the Egypt which Mark Antony unrolled before the feet of Cleopatra.

Before the searching minds of generations who gaze forwards and backwards for their reasons in doing as they did, the spirits of these men stand today fearless and unafraid. Whatever else may be said of them, this much all men know; they were free from selfish design. Freedom, and a reverence for solemn compacts were incarnated in their very souls. To this idea they dedicated their all, and in pursuit thereof they walked with steady step through the perils of war and peace; much as one might go on a quest for the Holy Grail. It will some day be made clear, as it has not yet been done, that Judge Ellis and his compeers who gave birth to this mighty empire, were inspired with the same thoughts which actuated their fathers who fought for and won their liberties in the American revolution. They knew, by first hand information, the difference between liberty and dictatorship; and feared not to make their choice. They belong forever to that valiant but small group of individuals, who by sheer power of intense living under circumstances of swift and startling contrast have become themes of almost legendary romance in this day of sordid materialism.

The thing which marks Judge Ellis

as an outstanding figure at the beginning of our century of progress, was his keen knowledge of the primary elements which compose the base of all constitutional governments. His deep learning from men of genius had led him to know that none could last, except those which held inalienable, certain individual rights of the citizen. He knew that a people will have only such laws as it is fitted to have, and that it is worse than useless to force any others upon it. He had watched with interest the disintegration of the early republic of Greece, and had viewed the rise, decline, and final fall of that in Rome. In each instance he observed their weakness, and sought to eliminate that from any which might be set up in the western world. He knew his history, and from it concluded that the American form was the only one that gave promise of lasting benefits to the people. So, in writing the first Texas constitution, he was careful to breathe into it the same spirit which Jefferson had preached before him, and which his father had helped to perpetuate in this inheritance. He did not forget the past, while planning for the future. In this respect he exhibited all the earmarks of a true statesman. Demosthenes, in defining a statesman, said that he must be one who is able to foresee, as well as to foretell. He must be able to discern the future in a way which others are not yet able to see.

By his work in convention assembled, in the forum of the Senate, and in other public pursuits, Judge Ellis earned his laurels as a statesman. With this accomplishment, he possessed great moral and physical courage; and at all times showed a willingness to follow his convictions and accept the responsibilities of his conduct. It is this willingness to die, if need be, for what one believes to be right, that makes any sort of civilization possible. But for the truths he expressed in that constitution, its usefulness and growth would have been slow indeed. Only when men are willing to give expression to their thoughts, and to defy any opposition that these thoughts arouse in the mind of a hostile enemy, is there chance for progress. Truth does not fear discussion; it emerges tri-

umphantly from the conflict of opinions; and this is a factor, no matter on which side victory perches. Judge Ellis had the wisdom to foresee, and the moral courage to foretell—he deserves to be ranked among the State's immortals.

Great men, if they would win a fame extending beyond their time, must sympathize with the masses in their struggle for improvement. Even a soldier is made stronger by this sympathy, although military genius has been displayed by warriors who fought on the side of tyranny and oppression. We labor for those whom we love; no other motive is sufficient to direct a well rounded life, and nothing begets love but love itself. "They love Him because He first loved them" can be said of all who have been revered by the people. Judge Ellis felt a kinship with his neighbors in their fight for freedom; his sympathies were quickened by the pulsation of their hearts. And above all, he possessed that quality without which there can be no true greatness—he had faith. He had faith in himself, and faith in the cause which he had espoused. Man's faith must at times out-run his intellect, if he would be far-sighted. His belief must grasp "the substance of things hoped for," it must take hold of "the evidence of things unseen." He should know, that "Though weeping may endure for a night, joy cometh in the morning." This is the philosophy which moved him and his comrades to action at the very beginning of the Texas revolution.

After all, it is this reliance upon the Great Power that stands back of all truth, and whose arm can bring victory to any cause—this secret influence which those exert whom the people instinctively trust, that are the outstanding traits of every man who has attained a lasting fame. They are great in proportion as they serve, and they serve in proportion as they have faith. As in the economy of nature, nothing is lost, so in the world of human endeavor, no word spoken in behalf of truth is without its weight, and no blow struck in behalf of righteousness is struck in vain. It is of little moment whether one dies today or tomorrow, but it is all-important that while

living, he shall live for things worth living for, leave the world better for having lived in it, and dying, live again in the lives of those who have been inspired by his works and his example. Judge Ellis showed his faith in his works, and he rendered a service to his countrymen which will be appreciated more, and more, as the years go on.

The fine spirit which he showed toward those with whom he labored, was the guiding compass of his career. There was no trace of selfishness in his life, and he wanted no favors bestowed upon him which could not be shared by others. Unlike some meteoric characters that have gleamed and flashed across the pages of history, his was a quiet and unostentatious life.

It was given him to write the fundamental laws of a Republic, which eventually added to our common country one third of its present territorial boundaries. In this, the United States as well as Texas, owe him a debt of gratitude which never can be paid. In contemplating the work he did, during the whole of the Republic of Texas, I am reminded that the service of a statesman should be no less renowned than that of those who fight and die on the field of battle. Who can say, but for his genius in furnishing the inspiration for Houston's army, the victory at San Jacinto would have been possible. It is certain that the labors at Washington on the Brazos were the inspirational prelude to final victory, and the name and fame of those who toiled there should be honored and revered by Texans, from generation to generation.

More than a hundred years have passed since with steady hand he penned the laws which sustain our basic institutions. Standing on ground which bears his name, let us all hail the name of Richard Ellis—law-giver, adventurer, statesman, and dreamer! We, here, who have sprung from the soil of his labors, recognize the horizon which bounded his vision, and the infinite scope of his genius. The voice of gratitude and praise for all the blessings which have been showered upon us by his adventure is limited to no section of the commonwealth which it was his to found, but is uttered by every

tongue and in every hamlet of the State. Neither marble nor bronze can fitly form his statue. One third of the American Union can claim him as her own, and unnumbered millions, present and to come, who enjoy their liberties and their happiness in the fruits of his faith, will reverently guard and preserve, from century to century his name and his fame.

This great region which claims him by adoption has a peculiar interest in the story of his life, and in behalf of the State I take pardonable pride in presenting this monument to the care of the people of Ellis County. Here, let it stand, as a testimonial to his valor. So long as it can be kept in place, let it symbolize the spirit of him who gave to Texas her first charter of constitutional government. Let your children and your children's children take notice of its purpose; and when at last the insatiable elements of time and chance shall have dissolved the materials which compose its base, the influence for good which Richard Ellis planted in this world will increase in ever widening circles—he will still live—remembered because of his deathless deeds.

SECOND DAY.

(Wednesday, January 13, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Small.	Spears.
Burns.	Stone.